



**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature: \_\_\_\_\_

Date: 12/22/15

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit a copy of receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide noticing per LAMC 12.26 K.7.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: <u>89.00</u>	Reviewed & Accepted by (DSC Planner): <u>[Signature]</u>	Date: <u>12/24/15</u>
Receipt No: <u>0201282118</u>	Deemed Complete by (Project Planner): _____	Date: _____
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**JUSTIFICATION/REASON FOR APPEAL**

Appellant TOP GUN NIGHTLIFE GROUP, INC. dba CASHMERE NIGHTCLUB aka THE DAY AFTER NIGHTCLUB (“TOP GUN”) hereby files the attached Appeal Application in Case No. DIR 2015-3461 (RV), as it pertains to the Director of City Planning, City of Los Angeles’ requirement of “the discontinuance of the operation of a Restaurant/Nightclub with alcohol sales at the establishment known as Cashmere Nightclub, located at 6757 West Hollywood Boulevard,” Hollywood, California 90028 (the “Premises”). The reasons for the appeal are as follows:

The alleged eighteen (18) Conditional Use Permit (“CUP”) violations, as baldly and speculatively testified to at the Public Hearing on October 22, 2015 (and further absent of any iota of physical evidence sans the biased testimony of law enforcement and city officials), have either not been adjudicated in a court of law and/or not been filed by the City Attorney’s Office, both at the time of the aforementioned October 22, 2015 public hearing and December 17, 2015 findings/recommendation of the Director of City Planning.

As it pertains to the three (3) criminal cases entitled *People v. Conrad Straub*, Case No. 5CA14100, *People v. Beno Avanesian/Alberto Avila/Top Gun Nightlife Group, Inc.*, Case No. 5CA14680, and *People v. Alberto Avila/Top Gun Nightlife Group, Inc.*, Case No. 5CA14696, of which the referenced 18 CUP violations are included therein, all three (3) cases are still in the pretrial stages. Indeed, the next pretrial date for these three (3) cases is scheduled for January 21, 2016. Furthermore, the case of *People v. Straub*, Citation No. D46428 has yet to be filed by the City Attorney.

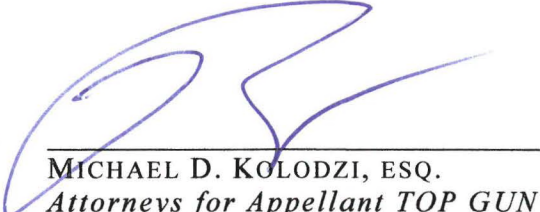
Accordingly, prior to a revocation by the Director of City Planning of the CUP of the Premises, due process must be afforded unto the appellant. The Director of City Planning cannot legally revoke the CUP of the Premises predicated on alleged CUP violations that have NOT been adjudicated in a court of law. To do so is an affront to Appellant’s due process rights, and is entirely premature pending the disposition of the aforementioned criminal cases.

For these reasons, Appellant TOP GUN respectfully requests a grant of their appeal of the Director of City Planning findings/recommendations dated December 17, 2015.

DATED: December 24, 2015

Respectfully submitted,  
**THE KOLODZI LAW FIRM**

By:

  
\_\_\_\_\_  
MICHAEL D. KOLODZI, ESQ.  
*Attorneys for Appellant TOP GUN  
NIGHTLIFE GROUP, INC. dba  
CASHMERE NIGHTCLUB aka THE  
DAY AFTER NIGHTCLUB*

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December 17, 2015

Director of City Planning (A)  
City of Los Angeles  
Department of City Planning  
200 North Spring Street, Room 763  
Los Angeles, CA 90012

6759 Hollywood Associates LLCC/O  
Denley INV & MGMT CO (O)  
1710 North McCaden Place  
Hollywood, CA 90028

Cashmere Nightclub  
6757 West Hollywood Boulevard  
Hollywood, CA 90028

CASE NOS. DIR 2015-3461(RV) and  
ZA 2012-0090(CUB)(CUX)-1A  
REVOCATION AND DISCONTINUANCE  
OF USE

6757-6763 West Hollywood Boulevard  
Hollywood Planning Area

Zone : C4-2D-SN

D. M. : 148-5A185

C. D. : 13

CEQA : ENV 2015-3462-CE

Legal Description: Fr. Lot 1, Arb 8, Tract  
Block "A" La Brea

Pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, I hereby  
REQUIRE:

the discontinuance of the operation of a Restaurant/Nightclub with alcohol sales at  
the establishment known as Cashmere Nightclub, located at 6757 West Hollywood  
Boulevard.

FINDINGS OF FACT

After thorough consideration of the statements, letters and correspondence contained in  
the file, the report of the Staff Investigator thereon, and the statements made at the public  
hearing on October 22, 2015, all of which are by reference made a part hereof, as well as  
knowledge of the property and surrounding district, I find as follows:

BACKGROUND

On April 5, 2013, the Zoning Administrator (Case No. ZA 2012-0090-CUB-CUX) approved  
a Zoning Administrator's determination of conditional use status in conjunction with the sale  
and dispensing of a full line of alcoholic beverages for on-site consumption, with live  
entertainment and patron dancing in conjunction with an existing 8,925 square-foot  
restaurant/nightclub formerly operating under the name Marbella and now known as  
Cashmere Nightclub and The Day After. Condition No. 45 (Case No. ZA 2012-0090-CUB-  
CUX) prohibited the use of outdoor patio after 10:00 p.m. The applicant filed an appeal to  
the Central Area Planning Commission (Case No. ZA 2012-0090-CUB-CUX-1A) to request

use of outdoor patio after 10:00 p.m. The appeal was denied. The Central Area Planning Commission modified the conditions of approval (Case No. ZA 2012-0090-CUB-CUX-1A) and added a Condition No. 49. The added condition permitted the applicant to apply for a Plan Approval after one (1) year to consider extending the closing time for the patio from 10:00 p.m. to 2:00 a.m. daily. In addition the applicant would be required to conduct a noise study to determine the effects of the operation on the patio area on the adjacent residences to the north of the adjacent alley. There were subsequent applications for request to sell and dispense a full line of alcoholic beverages for on-site consumption with live entertainment and public dancing (ZA 2000-5284(CUB)(CUX) and ZA 2006-3106(CUB)(CUX), which were approved.

The business conducted at the subject property has generated community complaints and allegations which were reported to the Los Angeles Police Department. Call and arrest report documentation associated with the use include multiple violations of Conditional Use Permit conditions (Case No. A 2012-0090-CUB-CUX-1A) including, operation as a strip club instead of as a restaurant/nightclub, failure to operate as a bona fide food service business, subletting the premises to outside promoters, failure to adhere to closing time and required number of security guards, failure to adhere to condition that patrons shall be 21 and over on the premises after 10:00 p.m., allowance of beverages on the designated dance floor, allowance of dancing on the patio, use of the patio after 10:00 p.m., allowance of amplified music to extend beyond the premises, queuing of patrons on Hollywood Boulevard, and lack of interior seating. Additional call and arrest report documentation associated with the use include, homicide, assault with deadly weapon, rape, prostitution, solicitation for prostitution, theft, selling of alcoholic beverages containing contaminants, owner not in possession of required worker's compensation insurance, vandalism, and noise disturbance. These reports resulted in the initiation of a nuisance abatement action by the City regarding this location.

The subject property is a level, irregular-shaped, interior parcel having a frontage of 74.6 feet along the north side of Hollywood Boulevard and a depth of 170 feet and 150 feet along the west and east property lines, respectively. The site is developed with a two-story multi-tenant commercial building with a second-floor patio. The Cashmere Nightclub (also known as The Day After) is an 8,925 square-foot restaurant/nightclub with seating for 371 patrons indoors and 56 patrons outdoors. The subject site has an entry at the ground level, is located on the second floor of the commercial building, and utilizes the second-floor patio. Now vacant, a bakery and a convenience store formerly occupied the tenant space on the ground floor.

The area is urban in nature and consists of retail commercial uses, bars, small markets, restaurants, and multi-family uses. The surrounding zoning in each direction is C4-2D-SN. The Hollywood/Highland Center and Metro Rail station are located one block west of the subject site. The property to the west is developed with a two-story commercial building occupied by an electronics store, two cafes, and the Hollywood Wax Museum. The property to the north is developed with a six-story mixed-use development. The property immediately to the east is developed with an eight-story office building with ground floor retail, including a souvenir shop and a denim shop. Properties to the south, across Hollywood Boulevard, are developed with two-story commercial buildings, including the

Ripley's Believe It or Not Museum, the Guinness World Record Museum, restaurants, souvenir shops, and the Musicians Institute.

Hollywood Boulevard adjoining the subject property to the south, is a designated Avenue I, dedicated to width of 100 feet and fully improved.

McCadden Place is a Local Street, dedicated to a width of 50 feet and improved to a variable width of 50 feet, and is located approximately 77 feet east of the subject site.

Highland Avenue is a designated Avenue I, dedicated to a width of 100 feet and is fully improved. Highland Avenue is 160 feet west of the subject site.

The alley, adjoining the property to the north, is a dead-end alley accessible from Highland Avenue and improved with asphalt pavement within a 20 foot dedication. The remainder of the alley from the McCadden Place side is paved with concrete, but it does not have vehicular access from McCadden Place.

Previous zoning related actions on the site include:

Case No. ZA 2012-0090(CUB)(CUX)-1A – On June 11, 2013, the Central Area Planning Commission denied the appeal and sustained the Zoning Administrator's approval of a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, with live entertainment and patron dancing in conjunction with an existing restaurant/nightclub with a prohibition against the use of outdoor patio after 10:00 p.m. The Central Area Planning Commission modified the conditions of approval and added a Condition No. 49.

Case No. ZA 2012-0090(CUB)(CUX) – On April 5, 2013, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, with live entertainment and patron dancing in conjunction with an existing restaurant/nightclub.

Case No. ZA 2008-0950(CUB)(ZV) – On March 23, 2009, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for off-site consumption, in conjunction with a market (Famima Market), and variances from the Los Angeles Municipal Code Sections 12.21 -A,4 and 12.26-E,5 to allow seven required parking spaces to be provided at an off-site location, which is located within 750 feet from the subject site in lieu of the required seven parking spaces to be provided on-site or off-site within 750 feet of the site by a covenant and agreement.

Case No. ZA 2006-3838(CUB)(ZAD) – A letter dated March 3, 2013, the Zoning Administrator ordered the case terminated and the matter filed. A claim for refund form was enclosed for the convenience of the applicant.

Case No. ZA 2006-3106(CUB)(CUX) – On September 7, 2006, the Zoning Administrator approved a conditional use permit for the continued sale and

dispensing of a full line of alcoholic beverages for on-site consumption in an existing restaurant/nightclub with live entertainment and public dancing.

Case No. ZA 2001-0266(CU) – On December 26, 2001, the Zoning Administrator approved a conditional use to permit the construction, use, and maintenance of a wireless telecommunications facility.

Case No. ZA 2000-5284(CUB)(CUX) – On December 12, 2001, the Zoning Administrator approved a conditional use permit, to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption with live entertainment and public dancing.

The Hollywood Community Plan map designates the property for Regional Center Commercial uses with corresponding zones of C2, C4, P, PB, RAS3, and RAS4.

The property is within the area of the Hollywood Signage Supplemental Use District and the Los Angeles State Enterprise Zone. The case is not affected.

#### **CORRESPONDENCE AND REPORTS RECEIVED FROM THE LOS ANGELES POLICE DEPARTMENT PRIOR TO THE PUBLIC HEARING**

**On-Site** at property location 6757 Hollywood Boulevard:

Arrest and Investigative Reports: There were 9 arrest and investigative reports for property location 6757 Hollywood Boulevard or 1707 North McCadden Place between January 17, 2014 and September 24, 2015:

1. September 24, 2015, 12:45 p.m. – Violation of Conditions Arrest Report – Arrest of operator for violation of conditions. Officers observed violation of Conditions 7 (approved use of sale and dispensing of a full line of alcohol on-site, live music, and patron dancing with a restaurant/nightclub, 371 seats indoors, 56 seats outdoors, outdoor patio shall be closed for dining after 10:00 p.m. and used only for ingress/egress), 8 (minimum of 371 seats for indoor dining), 9 (no patrons under age 21 allowed after 10 p.m.), 18 (bona fide restaurant with operating kitchen), 19 (primary business is sale of food), 20 (no subletting to promoters for nightclub), 21 (dancing restricted to dance floor per Exhibit A), and 31 (any noise shall not be audible beyond the premises).
2. September 19, 2015, 11:00 p.m. – Violation of Conditions Report – Officers observed violation of Conditions 7 (approved use of sale and dispensing of a full line of alcohol on-site, live music, and patron dancing with a restaurant/nightclub, outdoor patio shall be closed for dining after 10:00 p.m. and used only for ingress/egress), 11 (no beverages on the dance floor), 18 (bona fide restaurant with operating kitchen), 19 (primary business is sale of food), and 31 (any noise shall not be audible beyond the premises).
3. September 12, 2015, 2:00 a.m. – Violation of Conditions Arrest Report – Arrest of operator for violation of conditional use grant conditions and the Penal Code (P.C.).

Officers observed violation of Conditions 7 (approved use of sale and dispensing of a full line of alcohol on-site, live music, and patron dancing with a restaurant/nightclub, 371 seats indoors, 56 seats outdoors, outdoor patio shall be closed for dining after 10:00 p.m. and used only for ingress/egress), 8 (minimum of 371 seats for indoor dining), 9 (no patrons under age 21 allowed after 10 p.m.), 11 (no beverages on the dance floor), 18 (bona fide restaurant with operating kitchen), 19 (primary business is sale of food), 21 (dancing restricted to dance floor per Exhibit A), and 31 (any noise shall not be audible beyond the premises). Operator was also cited for violating 347(b) of the P.C. for serving adulterated or poisonous alcoholic beverages.

4. August 22, 2015, 12:45 a.m. – Assault With Deadly Weapon, Great Bodily Injury Investigative Report – Victim was assaulted in a fight with other males in the club and sustained major head injuries.
5. August 14, 2015, 11:30 p.m. – Violation of Conditions Report – Officers observed violation of Conditions 9 (no patrons under age 21 allowed after 10 p.m.), 18 (bona fide restaurant with operating kitchen), and 20 (no subletting to promoters for nightclub).
6. July 3, 2015, 2:30 a.m. – Violation of Conditions Arrest Report – Arrest of operator for violation of conditions. Officers observed violation of Conditions 7 (approved use of sale and dispensing of a full line of alcohol on-site, live music, and patron dancing with a restaurant/nightclub, outdoor patio shall be closed for dining after 10:00 p.m. and used only for ingress/egress), 20 (no subletting to outside promoters for nightclub activity), 23 (licenses, permits, and conditions shall be posted conspicuously), and 45 (operator shall provide a minimum of three state-licensed security guards).
7. April 24, 2014, 10:30 p.m. – Prostitution Investigation – Officers conducted a prostitution investigation which yielded negative results.
8. January 17, 2014, 1:10 a.m. – Solicitation of Prostitution Arrest Reports (2) – Arrest of two employees for soliciting prostitution.
9. January 17, 2014, 12:45 a.m. – Solicitation of Prostitution Arrest Reports (2) – Arrest of two employees for soliciting prostitution.

Crime Analysis Mapping System Arrest Summary Report: There were 19 arrest charges for property location 6757 Hollywood Boulevard between October 4, 2012 and September 12, 2015:

No.	Date	Time	Description
1.	9/12/2015	0200	Adulterated/Poisonous Alcoholic Beverages
2.	9/12/2015	0150	7544.6bp
3.	8/23/2015	1950	112.01(B)
4.	7/3/2015	0230	Violation Of Conditions – Penalty

5.	4/10/2015	2340	Violation Of Conditions – Penalty
6.	10/30/2014	1410	Trespass On Private Property
7.	4/4/2014	0110	Violation Of Conditions – Penalty
8.	1/17/2014	0245	Violation Of Conditions – Penalty
9.	1/17/2014	0110	Lbmc
10.	1/17/2014	0110	Moving Traffic Viol
11.	1/17/2014	0110	Prostitution/Allied
12.	1/17/2014	0110	Prostitution/Allied
13.	1/17/2014	0110	Prostitution/Allied
14.	1/17/2014	0110	Prostitution/Allied
15.	6/21/2013	1815	Public Assemblages – Obstructing Entrance
16.	1/14/2013	0800	Disorderly Conduct
17.	12/28/2012	1735	Disorderly Conduct
18.	10/4/2012	2300	Disorderly Conduct
19.	10/4/2012	2300	Urinating Or Defecating In Public

Crime Analysis Mapping System Crime Summary Report: There were 17 crime charges for property location 6757 Hollywood Boulevard between November 25, 2012 and September 12, 2015:

No.	Date	Time	Description
1.	9/12/2015	0200	Non-Aggravated Assault
2.	8/30/2015	0030	Non-Aggravated Assault
3.	8/30/2015	0030	Non-Aggravated Assault
4.	7/25/2015	2300	Non-Aggravated Assault
5.	2/15/2015	1200	Non-Aggravated Assault
6.	1/5/2015	0709	Theft
7.	12/1/2014	0015	Assault With Weapon, Strong-Arm
8.	11/30/2014	2200	Vandalism To Vehicle
9.	11/26/2014	2300	Non-Aggravated Assault
10.	10/30/2014	2145	Rape2
11.	9/19/2014	2245	Theft
12.	1/1/2014	0045	Non-Aggravated Assault
13.	12/1/2013	0105	Theft
14.	11/1/2013	1140	Non-Aggravated Assault
15.	4/12/2013	2300	Non-Aggravated Assault
16.	3/27/2013	2300	Theft
17.	11/25/2012	0045	Aggravated Assault

Calls for Service Report: There were 24 calls for service for the property location 6757 Hollywood Boulevard between November 25, 2012 and August 30, 2015:

No.	Date	Time	Description
1.	8/30/2015	1315	Other
2.	8/30/2015	1306	Other

3.	8/25/2015	1228	Other
4.	8/23/2015	1912	Dist,Minor Radio
5.	8/22/2015	0121	Meet Fire Dept
6.	8/9/2015	1951	Dist,Minor Other
7.	8/9/2015	1738	Dist,Minor Other
8.	7/29/2015	1939	Dist M Poss Gun
9.	7/29/2015	1703	Other
10.	7/25/2015	0147	Adw Poss Susp
11.	7/25/2015	0134	Battery Poss Susp Now
12.	5/30/2015	0056	Bk-Up Fire Dept
13.	4/9/2015	1310	Other
14.	1/15/2015	1547	Other
15.	12/21/2014	0823	Dist,Minor Other
16.	11/20/2014	2258	Dist,Minor Radio
17.	10/3/2014	0959	Theft Invest
18.	1/1/2014	1940	Other
19.	11/2/2013	0005	Adw Susp
20.	5/6/2013	2348	Other
21.	4/13/2013	0331	Injury Amb E/R O/D
22.	3/30/2013	2132	Theft
23.	11/25/2012	0146	Other
24.	11/25/2012	0036	Dist Grp Fight

Off-Site at Hollywood Boulevard and McCadden Place, or McCadden Place and Hollywood Boulevard:

Crime Analysis Mapping System Arrest Summary Report: There were 237 arrest charges for the off-site location between October 3, 2012 and September 4, 2015:

No.	Date	Time	Description
1.	9/4/2015	1620	Embezzlement/Fraud
2.	9/4/2015	1620	Embezzlement/Fraud
3.	8/21/2015	2355	Arrest Escapee
4.	8/7/2015	0345	Aggravated Assault
5.	8/5/2015	1215	Narcotic Drug Laws
6.	8/1/2015	1900	Narcotic Drug Laws
7.	7/22/2015	2140	Violation Roller-Skate, Skateboard, Bicycle
8.	7/19/2015	0230	Aggravated Assault
9.	7/17/2015	2300	Na
10.	7/15/2015	2200	Disorderly Conduct
11.	7/15/2015	1700	Misc Other Viols
12.	7/5/2015	0130	Larceny
13.	7/3/2015	2345	Narcotic Drug Laws
14.	6/28/2015	0130	Liquor Laws

15.	6/28/2015	0055	Intoxication
16.	6/5/2015	0210	Moving Traffic Viol
17.	6/3/2015	2325	Other Assaults
18.	5/30/2015	2310	Moving Traffic Viol
19.	5/28/2015	1420	Na
20.	5/27/2015	2255	Liquor Laws
21.	5/11/2015	1320	Street Vending Prohibited
22.	4/18/2015	1600	Narcotic Drug Laws
23.	4/18/2015	0100	Liquor Laws
24.	4/15/2015	1500	Drunkenness
25.	4/12/2015	0035	Liquor Laws
26.	3/11/2015	1630	Larceny
27.	3/10/2015	0605	Court Violation
28.	3/7/2015	0030	Narcotic Drug Laws
29.	2/20/2015	2230	Liquor Laws
30.	2/19/2015	1430	False Threat Explosive
31.	2/10/2015	2135	Driving Under Infl
32.	2/7/2015	0015	Sex (Exc Rape/Prst)
33.	2/6/2015	2345	Drunkenness
34.	1/29/2015	1655	Use Of Streets And Parking Lots Habitation
35.	1/17/2015	0115	Catering Truck Unlawful
36.	1/17/2015	0115	Catering Truck Unlawful
37.	1/17/2015	0115	Moving Traffic Viol
38.	1/17/2015	0115	Moving Traffic Viol
39.	1/15/2015	2335	Narcotic Drug Laws
40.	1/15/2015	2030	Vandalism
41.	1/10/2015	0125	Drunkenness
42.	12/23/2014	2045	Liquor Laws
43.	12/31/2014	1300	Drunkenness
44.	12/21/2014	0020	Court Violation
45.	11/21/2014	2015	Drunkenness
46.	11/18/2014	2120	Narcotic Drug Laws
47.	11/18/2014	1705	Violation Roller-Skate, Skateboard, Bicycle
48.	11/8/2014	0005	Intoxication
49.	10/31/2014	2320	Moving Traffic Viol
50.	10/31/2014	2255	Street Vending Prohibited
51.	10/31/2014	2250	Street Vending Prohibited
52.	10/31/2014	2220	Liquor Laws
53.	10/31/2014	2130	Receive Stolen Prop
54.	10/31/2014	1930	Liquor Laws
55.	10/31/2014	1031	Soliciting And Sales In Streets
56.	10/4/2014	0145	Parking Catering Truck
57.	10/4/2014	0120	Parole Custody
58.	10/4/2014	0120	Parole Custody

59.	10/2/2014	2335	Parking Catering Truck
60.	9/23/2014	0045	Robbery
61.	9/14/2014	2125	Unlawful Parking – Peddlers Vendors
62.	9/14/2014	2120	Unlawful Parking – Peddlers Vendors
63.	9/14/2014	2115	Unlawful Parking – Peddlers Vendors
64.	9/12/2014	0051	Driving Under Infl
65.	9/6/2014	1650	Soliciting And Sales In Streets
66.	8/28/2014	0125	Vandalism Place Of Worship
67.	8/17/2014	2310	Narcotic Drug Laws
68.	8/17/2014	2310	Forgery/Counterfeit
69.	8/16/2014	2235	Aggravated Assault
70.	8/14/2014	0005	Driving Under Infl
71.	8/12/2014	1350	Liquor Laws
72.	8/12/2014	0145	Liquor Laws
73.	8/12/2014	0140	Liquor Laws
74.	8/4/2014	0100	Disorderly Conduct
75.	7/30/2014	2230	Driving Under Infl
76.	7/27/2014	0120	Urinating Or Defecating In Public
77.	7/17/2014	0900	Playing Games Streets
78.	7/17/2014	0900	Playing Games Streets
79.	7/14/2014	0025	Vandalism
80.	7/10/2014	2000	Receive Stolen Prop
81.	7/4/2014	2330	Intoxication
82.	7/4/2014	0110	Intoxication
83.	7/3/2014	1025	Bicycle Riding – Sidewalk
84.	6/14/2014	0220	Aggravated Assault
85.	6/1/2014	0110	Liquor Laws
86.	5/9/2014	0130	Driving Under Infl
87.	5/4/2014	1700	Court Violation
88.	5/3/2014	2140	Narcotic Drug Laws
89.	4/17/2014	2330	Intoxication
90.	4/15/2014	2140	Street Loitering
91.	4/15/2014	2000	Intoxication
92.	4/12/2014	2220	Court Violation
93.	4/4/2014	2100	Valid Business License
94.	4/4/2014	2055	Valid Business License
95.	4/1/2014	0035	Intoxication
96.	3/19/2014	2255	Advertising - Residential Area
97.	3/2/2014	0040	Street Loitering
98.	3/28/2014	2135	Court Violation
99.	3/28/2014	2130	Drunkenness
100.	3/19/2014	0140	Larceny
101.	2/22/2014	2330	Narcotic Drug Laws
102.	1/26/2014	0135	Drunkenness

103.	1/24/2014	1935	Narcotic Drug Laws
104.	1/24/2014	1935	Other Assaults
105.	1/18/2014	2250	Drunkenness
106.	1/3/2014	0240	Weapon (Carry/Poss)
107.	1/1/2014	2200	Bicycle Riding – Sidewalk
108.	1/1/2014	2200	Bicycle Riding – Sidewalk
109.	12/20/2013	2000	Violation Postrelease
110.	12/17/2013	2130	Disorderly Conduct
111.	12/16/2013	1155	Vehicle Theft
112.	11/30/2013	2310	Disorderly Conduct
113.	11/30/2013	2305	Disorderly Conduct
114.	11/30/2013	2305	Disorderly Conduct
115.	11/30/2013	0300	Vandalism
116.	11/14/2013	2330	Disorderly Conduct
117.	11/13/2013	2250	Disorderly Conduct
118.	11/13/2013	2215	Disorderly Conduct
119.	11/12/2013	0721	Trespass Driving
120.	10/27/2013	2245	Liquor Laws
121.	10/27/2013	2200	Drunkenness
122.	10/26/2013	2310	Drunkenness
123.	10/26/2013	2300	Unlawful Parking – Peddlers – Vendors
124.	10/25/2013	0010	Disorderly Conduct
125.	10/20/2013	0110	Drunkenness
126.	10/20/2013	0105	Drunkenness
127.	10/13/2013	2140	Drunkenness
128.	10/12/2013	2200	Disorderly Conduct
129.	10/5/2013	2300	Drunkenness
130.	10/3/2013	2200	Liquor Laws
131.	10/3/2013	2155	Burglary
132.	9/28/2013	2135	Driving Under Infl
133.	9/24/2013	0045	Drunkenness
134.	9/22/2013	1845	Court Violation
135.	9/21/2013	2155	Drunkenness
136.	9/12/2013	2345	Drunkenness
137.	9/8/2013	1330	Court Violation
138.	9/7/2013	0150	Drunkenness
139.	9/7/2013	0150	Drunkenness
140.	9/5/2013	2300	Narcotic Drug Laws
141.	8/26/2013	1935	Drunkenness
142.	8/25/2013	0140	Drunkenness
143.	8/24/2013	0050	Disorderly Conduct
144.	8/17/2013	2200	Court Violation
145.	8/15/2013	2255	Violation Roller-Skate, Skateboard, Bicycle
146.	8/10/2013	0040	Moving Traffic Viol

147.	8/9/2013	2105	Drunkenness
148.	8/7/2013	0302	Driving Under Infl
149.	8/4/2013	0015	Drunkenness
150.	7/25/2013	0005	Driving When Privilege Suspended Or Revoked
151.	7/19/2013	2215	Disorderly Conduct
152.	7/18/2013	1850	Disorderly Conduct
153.	7/18/2013	0115	Violation Roller-Skate, Skateboard, Bicycle
154.	7/13/2013	1745	Disorderly Conduct
155.	7/7/2013	0330	Disorderly Conduct
156.	6/30/2013	0345	Drunkenness
157.	6/28/2013	0145	Shopping Cart Possession
158.	6/27/2013	0005	Drunkenness
159.	6/22/2013	2315	Drunkenness
160.	6/22/2013	2240	Drunkenness
161.	6/12/2013	1555	Violation Roller-Skate, Skateboard, Bicycle
162.	6/8/2013	1430	Narcotic Drug Laws
163.	6/7/2013	1625	Shopping Cart Possession
164.	5/31/2013	2010	Disorderly Conduct
165.	5/31/2013	2010	Trespassing
166.	5/30/2013	1940	Narcotic Drug Laws
167.	5/17/2013	1745	Disorderly Conduct
168.	5/16/2013	1700	Violation Roller-Skate, Skateboard, Bicycle
169.	5/15/2015	1845	Narcotic Drug Laws
170.	5/9/2013	2025	Court Violation
171.	5/8/2013	1440	Disorderly Conduct
172.	5/5/2013	0105	Aggravated Assault
173.	5/4/2013	2350	Moving Traffic Viol
174.	5/3/2013	1800	Narcotic Drug Laws
175.	5/3/2013	1800	Narcotic Drug Laws
176.	5/2/2013	2020	Violation Roller-Skate, Skateboard, Bicycle
177.	5/2/2013	2020	Violation Roller-Skate, Skateboard, Bicycle
178.	5/2/2013	2020	Violation Roller-Skate, Skateboard, Bicycle
179.	5/2/2013	1435	Driving Under Infl
180.	4/26/2013	2000	Disorderly Conduct
181.	4/24/2013	0020	Driving Under Infl
182.	3/30/2013	1515	Violation Roller-Skate, Skateboard, Bicycle
183.	3/28/2013	1745	Misc Other Viols
184.	3/22/2013	1550	Disorderly Conduct
185.	3/20/2013	1720	Disorderly Conduct
186.	3/20/2013	1720	Disorderly Conduct
187.	3/20/2013	1530	Disorderly Conduct
188.	3/20/2013	1525	Disorderly Conduct
189.	3/20/2013	1520	Disorderly Conduct
190.	3/20/2013	1520	Disorderly Conduct

191.	3/19/2013	1620	Disorderly Conduct
192.	3/18/2013	0045	Court Violation
193.	3/18/2013	0045	Drunkenness
194.	3/18/2013	0015	Driving Under Infl
195.	3/9/2013	1600	Disorderly Conduct
196.	3/7/2013	1645	Disorderly Conduct
197.	3/7/2013	1445	Disorderly Conduct
198.	3/7/2013	1445	Disorderly Conduct
199.	3/7/2013	1445	Disorderly Conduct
200.	2/23/2103	1830	Violation Roller-Skate, Skateboard, Bicycle
201.	2/15/2013	1800	Violation Roller-Skate, Skateboard, Bicycle
202.	2/14/2013	1655	Liquor Laws
203.	2/1/2013	1445	Narcotic Drug Laws
204.	1/23/2103	2005	Loud And Raucous Noise
205.	1/23/2013	1745	Disorderly Conduct
206.	1/23/2013	1740	Disorderly Conduct
207.	1/23/2013	1740	Na
208.	1/23/2013	1740	Disorderly Conduct
209.	1/23/2013	1435	Disorderly Conduct
210.	1/23/2013	1435	Disorderly Conduct
211.	1/12/2013	1620	Disorderly Conduct
212.	1/11/2013	1525	Narcotic Drug Laws
213.	1/4/2013	1645	Disorderly Conduct
214.	1/3/2013	1950	Narcotic Drug Laws
215.	12/26/2012	2050	Disorderly Conduct
216.	12/6/2012	2245	Violation Roller-Skate, Skateboard, Bicycle
217.	12/6/2012	2235	Violation Roller-Skate, Skateboard, Bicycle
218.	11/29/2012	1640	Violation Roller-Skate, Skateboard, Bicycle
219.	11/29/2012	0900	Misc Other Viols
220.	11/16/2012	1630	Embezzlement/Fraud
221.	11/15/2012	2245	Violation Roller-Skate, Skateboard, Bicycle
222.	11/12/2012	2131	Drunkenness
223.	11/10/2012	1655	Littering
224.	11/10/2012	0010	Littering
225.	11/8/2012	2155	Narcotic Drug Laws
226.	11/8/2012	0015	Violation Roller-Skate, Skateboard, Bicycle
227.	11/2/2012	2150	Drunkenness
228.	11/2/2012	1500	Prostitution/Allied
229.	11/1/2012	2325	Violation Roller-Skate, Skateboard, Bicycle
230.	11/1/2012	2325	Violation Roller-Skate, Skateboard, Bicycle
231.	10/31/2012	1211	Drunkenness
232.	10/25/2012	1615	Disorderly Conduct
233.	10/25/2012	1900	Disorderly Conduct
234.	10/14/2012	2130	Disorderly Conduct

235.	10/7/2012	0110	Drunkness
236.	10/5/2012	1845	Disorderly Conduct
237.	10/3/2012	2055	Drunkness

Crime Analysis Mapping System Crime Summary Report: There were 102 crime charges for the off-site location between September 20, 2012 and September 8, 2015:

No.	Date	Time	Description
1.	9/8/2015	0145	Aggravated Assault
2.	9/4/2015	0215	Group Disturbance
3.	8/26/2015	2300	Theft
4.	8/17/2015	1200	Non-Aggravated Assault
5.	8/16/2015	0900	Non-Aggravated Assault
6.	8/9/2015	2050	Non-Aggravated Assault Vehicle
7.	8/5/2015	1215	Non-Aggravated Assault
8.	8/4/2015	2000	Non-Aggravated Assault
9.	8/7/2015	0345	Non-Aggravated Assault
10.	7/29/2015	1725	Non-Aggravated Assault Vehicle
11.	7/24/2015	1645	Non-Aggravated Assault
12.	7/15/2015	1700	Non-Aggravated Assault
13.	7/3/2015	2345	Non-Aggravated Assault
14.	6/27/2015	1830	Aggravated Assault
15.	6/3/2015	2325	Non-Aggravated Assault
16.	6/3/2015	2150	Non-Aggravated Assault
17.	5/30/2015	2310	Non-Aggravated Assault
18.	5/9/2015	0210	Non-Aggravated Assault Vehicle
19.	4/18/2015	1600	Non-Aggravated Assault
20.	4/3/2015	0115	Aggravated Assault
21.	3/28/2015	1845	Assault With Weapon Strong Arm
22.	3/14/2015	2340	Non-Aggravated Assault Vehicle
23.	3/11/2015	1510	Non-Aggravated Assault Vehicle
24.	2/19/2015	1120	Bomb Threat, No Bomb
25.	2/13/2015	1700	Grand Theft Auto, Received Stolen Goods
26.	2/10/2015	2135	Non-Aggravated Assault
27.	1/30/2015	1915	Non-Aggravated Assault
28.	1/15/2015	2335	Non-Aggravated Assault
29.	1/15/2015	1950	Vandalism
30.	12/27/2014	0800	Burglary/Theft From Vehicle
31.	12/2/2014	1240	Non-Aggravated Assault Vehicle
32.	12/1/2014	0001	Theft
33.	11/23/2014	0320	Non-Aggravated Assault
34.	11/18/2014	2120	Non-Aggravated Assault
35.	10/25/2014	0100	Non-Aggravated Assault
36.	10/4/2014	2355	Non-Aggravated Assault Vehicle

37.	9/23/2014	0035	Robbery, Non-Aggravated Assault
38.	9/21/2014	2100	Aggravated Assault, Non-Aggravated Assault
39.	9/21/2014	2100	Aggravated Assault
40.	8/28/2014	0115	Vandalism, Non-Aggravated Assault
41.	8/17/2014	0646	Non-Aggravated Assault
42.	8/9/2014	2045	Non-Aggravated Assault
43.	8/5/2014	2200	Non-Aggravated Assault Vehicle
44.	8/1/2014	0001	Theft
45.	7/10/2014	2000	Non-Aggravated Assault
46.	7/5/2014	0130	Robbery
47.	6/29/2014	0300	Rape1, Non-Aggravated Assault
48.	6/24/2014	2345	Grand Theft Auto, Received Stolen Goods
49.	6/16/2014	1115	Assault
50.	6/15/2014	0200	Non-Aggravated Assault
51.	6/14/2014	0220	Oth/437
52.	5/24/2014	0830	Grand Theft Auto, Received Stolen Goods
53.	5/10/2014	2345	Theft
54.	5/3/2014	2140	Non-Aggravated Assault
55.	4/12/2014	2220	Non-Aggravated Assault
56.	4/5/2014	0220	Fist Fight
57.	4/5/2014	0220	Fist Fight
58.	3/15/2014	1440	Non-Aggravated Assault
59.	3/19/2014	0100	Grand Theft Property, Non-Aggravated Assault
60.	2/22/2014	2330	Non-Aggravated Assault
61.	2/15/2014	2050	Non-Aggravated Assault Vehicle
62.	2/9/2014	1150	Non-Aggravated Assault Vehicle
63.	1/24/2014	1935	Non-Aggravated Assault
64.	1/20/2014	0310	Non-Aggravated Assault
65.	1/11/2014	1030	Non-Aggravated Assault Vehicle
66.	1/3/2014	2140	Non-Aggravated Assault
67.	1/3/2014	0240	Non-Aggravated Assault
68.	1/2/2014	2100	Non-Aggravated Assault
69.	12/14/2013	2000	Assault
70.	12/13/2013	2300	Non-Aggravated Assault
71.	12/3/2013	1200	Non-Aggravated Assault Vehicle
72.	11/30/2013	0300	Vandalism
73.	11/12/2013	0655	Oth/888
74.	10/6/2013	2315	Non-Aggravated Assault Vehicle
75.	9/5/2013	2300	Non-Aggravated Assault
76.	9/1/2013	0320	Non-Aggravated Assault
77.	8/10/2013	0040	Non-Aggravated Assault
78.	7/1/2013	1400	Theft
79.	6/27/2013	2055	Non-Aggravated Assault Vehicle
80.	6/8/2013	1430	Non-Aggravated Assault

81.	6/7/2013	1625	Non-Aggravated Assault
82.	6/6/2013	0815	Non-Aggravated Assault Vehicle
83.	5/17/2013	1415	Resisting Arrest
84.	5/11/2013	0300	Robbery
85.	5/7/2013	2055	Non-Aggravated Assault
86.	5/3/2013	1800	Non-Aggravated Assault
87.	4/24/2013	0005	Non-Aggravated Assault Vehicle
88.	4/8/2013	1500	Aggravated Assault
89.	2/20/2013	1330	Non-Aggravated Assault Vehicle
90.	1/27/2013	0135	Hit With Weapon
91.	1/18/2013	2100	Non-Aggravated Assault
92.	1/3/2013	1950	Non-Aggravated Assault
93.	12/19/2012	1900	Robbery Knifepoint
94.	12/16/2012	2055	Non-Aggravated Assault Vehicle
95.	12/13/2012	1550	Non-Aggravated Assault Vehicle
96.	11/25/2012	2030	Non-Aggravated Assault
97.	11/20/2012	2120	Sex Underage
98.	11/18/2012	0800	Non-Aggravated Assault
99.	11/15/2012	0048	Failed To Stop
100.	11/14/2012	2330	Vandalism
101.	9/29/2012	2245	Aggravated Assault
102.	9/20/2012	1650	Non-Aggravated Assault

Crime Analysis Mapping System Calls for Service Report: There were 14 calls for service for the off-site location between March 30, 2013 and August 27, 2015.

No.	Date	Time	Description
1.	8/27/2015	1931	Traffic Stop
2.	6/5/2015	2241	Traffic Stop
3.	5/7/2015	0847	Traffic Stop
4.	3/25/2015	2204	Traffic Stop
5.	3/15/2015	0106	Traffic Stop
6.	3/14/2015	0103	Traffic Stop
7.	2/28/2015	1822	Back-Up
8.	2/13/2015	2229	Other
9.	9/17/2014	0222	Traffic Stop
10.	6/14/2014	2058	Traffic Stop
11.	5/21/2014	2059	Traffic Stop
12.	5/13/2014	2057	Traffic Stop
13.	5/11/2014	2056	Traffic Stop
14.	3/30/2013	0314	Screaming W

**COMMENTS OR INFORMATION FROM OTHER AGENCIES (Received prior to the public hearing)**

The Department of Building and Safety submitted the following reports:

October 6, 2015 Inspection Report: During a site visit on September 12, 2015 at 1:30 a.m., Building and Safety staff, along with the LAPD Hollywood Vice Division conducted an inspection, finding violations of Case No. ZA 2012-0090(CUB)(CUX), Condition Nos. 2 (site not in conformance with plot plan, including expansion of the dancing area and the elimination of approximately 124 seats), 7 (outdoor patio open and in use), 8 (seats eliminated), 9 (patrons not wearing age-identification wristbands), 10 [sic-Condition No. 11] (drinks on the designated dancing area), and 21 (dancing area expanded).

October 8, 2015 Order to Comply: An Order to Comply was sent to the owner regarding violations of the Los Angeles Municipal Code regarding unpermitted construction, unpermitted electrical work, and lack of maintenance of the building.

**COMMENTS RECEIVED FROM GENERAL PUBLIC (Received prior to the public hearing)**

At the time of report preparation, one correspondence from the general public had been received, with concerns regarding the excessive force of security guards, sound audible beyond the premises, and patrons passed out drunk on the patio the following day.

**PUBLIC HEARING**

A public hearing was conducted by the Zoning Administrator on October 22, 2015, scheduled for 11:00 a.m. at City Hall located at 200 North Spring Street. In attendance and testifying were the legal representative for the property owner, operator's legal representative, nightclub manager, representatives of the Los Angeles Police Department, stakeholders and a representative of the Office of the Thirteenth Council District.

Prior to opening the hearing to public testimony, the Department of City Planning's staff investigator presented a summary of background information and other pertinent information regarding this location. The presentation was a summary of the investigator's staff report, which is attached to the case file, and a past investigative operation conducted jointly with the Police Department.

The following is a summary of the points made in public hearing testimony:

**Los Angeles Police Department – Detective Dana Harris**

Supervisor Citywide Nuisance Abatement, Detective Vice & Support Division

- Ask that use be revoked or impose the following conditions (see letter submitted into the record dated October 20, 2015 for complete list of conditions)

**CONTACT WITH LAPD & EMERGENCY SERVICE PERSONNEL**

1. Immediately contact the Los Angeles Police Department (LAPD), by dialing 911 or in a non-emergency (877) ASK-LAPD, if any person is observed:
  - a. Trespassing on the Property
  - b. Loitering on the Property;
2. Maintain regular contact with the LAPD Senior Lead Office at 213 485-4310 and the Hollywood Vice Unit at (213) 972-2200.
3. Meet with the LAPD Detective Support and Vice Division and/or Hollywood Vice Unit on a bi-yearly basis to discuss any issues.

**ON SITE SECURITY**

4. Hire and/or maintain on-site security guards to monitor the property during operating hours who will actively deter any criminal activity related to the Property.
  - a. When the establishment is open between Monday-Wednesday, (4) state licensed, bonded, and uniformed professional security guards to be present at the property during all hours of operation.
  - b. On Thursday, Friday, and Saturday, six (6) State-licensed, bonded, and uniformed professional security guards to be present at the property during all hours of operation.
  - c. Two security guards should be present at the entrance to the Club and Bar.
    - i. The security guard stationed at the bar door shall use an electronic age verification / identification device to check the identification of all patrons to ensure that minors are not allowed entrance. Devices will be maintained in working order and used to verify the age of person(s) entering the premise only. The electronic age verification/identification device should not store data.
    - ii. The security guards will also do a pat down search/wand of patrons.
  - d. A minimum of two security guards will be roving in the front and rear parking lots of the club and bar. During the exterior patrol, the security guard will monitor the exterior of the bar and parking lots to ensure no loitering, alcohol consumption, public urination, prostitution, lewd acts or any other criminal activity is related to the club or bar.

- e. Two or more security guards will be inside the club in a roaming capacity to ensure no illegal activity is occurring.
  - f. Security guards will screen all patrons entering the club and bar with handheld metal detector wands during operating hours. Also the security guards will search all bags, backpacks and purses.
  - g. Security will remain at the location until 30 minutes after closing.
5. All security guards working at the club and bar should comply with the requirements of California and Business Professions Code section 7582.26(f) which requires that guards wear a distinctive uniform, with a patch on each shoulder reading "private security," containing the name of the private security company for which the guards are employed. The guard will possess his or her guard permit at all times with photographic identification and present them to law enforcement personnel upon request. Guards should have radio communication with each other.
6. Require the security guards to keep a daily log of incidents that occur at the Property. These logs will be kept for at least six months and available to LAPD for inspection upon request.

**SURVEILLANCE**

7. Maintain video surveillance cameras on the Property that have the ability to monitor the front entrance to the Business, the sidewalk near the Business, the parking area, and the rear lot of the Property. Install and/or maintain a video surveillance system to monitor the common area interior of the Property, including any passage ways. Post the Property and Business with signs indicating use of a surveillance system.
8. Review the video surveillance on a daily basis and immediately provide LAPD with copies of video surveillance that depict criminal activity at the Property. The video surveillance recordings / tapes shall be maintained for a period of not less than 60 days or longer time period as required by LAPD. The video surveillance system shall have the ability to zoom and pan and be remotely controlled. The video surveillance system should not only be accessible in the manager's office, but also be accessible through the internet so that the property manager and LAPD officers can monitor the Property.

**LIGHTING**

9. Parking Lot: Maintain sufficient lighting at the Property so that all parking areas are well lit so that law enforcement personnel can easily identify individuals and their actions on the Property. Lighting shall remain on daily

from sunset until sunrise. The lighting shall not impact nearby residential buildings

10. Business: Adequate interior and exterior lighting shall be installed in all areas within the business in conformance with the applicable laws and /or building code. The lighting shall be such that it renders all objects and persons clearly visible. Light fixtures shall be secure so that unauthorized individuals cannot remove or break light bulbs. Replace any damaged or broken lights immediately. Lighting fixtures shall be secure so that unauthorized individuals cannot remove or break light bulbs. Replace any damaged or broken lights immediately.

### **EMPLOYEES**

11. Require all employees to have valid bona fide identification in their possession while employed by the location.
12. Require all employees working in the capacity of a wait staff or bartender to wear a uniform and a name tag. The Business Owner / Operator should provide uniforms and name tags for all bar employees.
13. The Business Owners / Operators shall maintain an accurate and up to date list of employees working at the property. The list shall include the name of each employee and a copy of a valid bona fide identification.
14. A thorough background/criminal check shall be conducted on all personnel employed at the location including current personnel.
15. The Property Owners, Business Owners / Operators, all security personnel and Bar employees will attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department.
  - a. The Property Owners and Business Owners / Operators should maintain proof of each employee's attendance and have it available on the premise for inspection by LAPD or Alcohol Beverage Control. Require subsequent hires to attend the STAR training program within 90 days of their date of hire. Employees should get refresher STAR training on a yearly basis. Employees who do not speak English fluently must attend a Spanish presentation. Contact LAPD Detective Support and Vice Division for dates and times for the free training at (213) 486-0910.
  - b. Bar Employees, including wait staff and bartenders, will serve according to STAR training such that the employee will be able to assess the level of intoxication of a patron purchasing a beverage.

### LOITERING & TRESPASSING

16. Loitering is strictly prohibited on or around the premises or the area under the control of the Business Owner / Operator. Do not permit any person, including bar occupants, to loiter in the areas adjacent to the Bar. Loitering includes, but is not limited to, the following actions: lingering idly on the Property; remaining on the Property for illegal purposes, and not being able to provide a satisfactory explanation for one's behavior or presence. Ask Business patrons to leave the area after the Business is closed. Ask individuals loitering on the sidewalk directly in front of the Club's or Bar's main entrance to move away from the area.
17. Post and maintain the following signs at each entry point or approach to the Property; the Signs should say: "NO TRESPASSING, NO LOITERING, NO DRUGS, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES. THE LOS ANGELES POLICE DEPARTMENT MAKES REGULAR AND FREQUENT PATROLS OF THIS PROPERTY. The signage shall have lettering of at least two inches in height and be written in English and Spanish.
18. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be provided to the immediate neighbors, schools and local neighborhood association. These numbers shall be:
  - 1) Posted at the entry;
  - 2) Posted at the Bar.
19. Hot-Line Number shall be provided to the immediate neighbors, schools, and local neighborhood association, if any.
20. Do not allow anyone to trespass on the Property. Post and maintain signs at each entry point or approach to the Property warning against trespassing. The signage shall have lettering of at least two inches in height and be written in English and Spanish.
21. Provide a completed and signed "Trespass Arrest Authorization" form authorizing LAPD to arrest individuals unlawfully loitering on the Property, pursuant to L.A.M.C. 41.24.

### GENERAL SUGGESTIONS

22. Ensure proper maintenance of interior and exterior of the club and bar. Including, but not limited to, the prompt removal of graffiti. Remove any graffiti from the premises within 48 hours. Keep premises clean and free from trash or debris. The Property shall be maintained clean and free of litter/trash within 45 minutes after the business closes.

23. Provide LAPD (Hollywood Vice Unit, Detective Support Vice Division & Commission Investigation Division) with current premises diagram of the interior of the Business. Keep all LAPD division/units updated as to any changes to the premises within 30 days of any actual changes to the floor plan.
24. Abide by all requirements of the Los Angeles Police Department Commission Investigation Division.
25. Abide by all requirements and regulations of the State of California's Alcohol and Beverage Control:
  - a. Private Parties: Any rental of the Business for private parties will comply with ABC regulations and Business Owner will contact LAPD for approval two weeks prior to event.
26. Keep the noise level from the club and bar at the appropriate levels so as not to impinge on the residential neighborhood.
27. There should only be one "public" entrance to the location. Other doors should be designated as "employee only" entrances and used by patrons only to evacuate the building in case of emergency.
28. The operator shall maintain a minimum of 371 seats available for indoor patron dining at all hours of operation.
29. Open and working kitchen with full menu and food available at all times establishment is open to the public.
30. The location shall operate in a manner consistent with that of a restaurant. This includes a menu, servers and fully operable kitchen.
31. Hours of operation shall have strict adherence and posted on the front door to the establishment.
32. To specifically address and mitigate the nuisance activity that is occurring between the hours of midnight and 2 am, all sales, service and consumption of alcohol shall cease at 1200 a.m. The establishment shall close no later than midnight daily.

**Los Angeles Police Department – Officer Benjamin Thompson**  
Vice Investigator; Hollywood Division Vice Group

- The following are crime reports with weight in this hearing matter:

1/9/14 – Investigation began after several reports of prostitution, ABC and CUP violations/deviations occurring. Thursday evenings are regular strip club activities. Adult entertainment conducted with large metal poles connected to dance floor.

1/16/14 – Full scale prostitution operation; arrest made of which one woman was 20 years of age; operator also arrested for violation of LAMC Sec.12.29.

2/14/14 – Uniform inspection found Cashmere operating as a nightclub; operator/manager arrested for violation of CUB Condition #18 (found operating as a nightclub not a restaurant with a full operating kitchen and menu).

4/3/14 – LAPD inspection found operator in violation of CUB Condition Nos. 26 (no line queuing on Hollywood Blvd), 28 (no adult entertainment); 11 (no beverage of any kind on dance floor).

4/4/14 – LAPD and State Department of Industrial Relations inspection found employees of business not to have State required insurance.

4/24/14 – Hollywood Vice inspection found business in operation without workers compensation insurance for its employees.

4/10/15 – Business found operating as a nightclub not a restaurant with a full operating kitchen and menu therefore in violation of condition No. 18 of CUB.

\*There's a 1 year leap between last investigations as establishment went dark for a period with limited operations of nightclub May 2014 – April 2015.

6/3/15 – Uniform inspection; violation of CUB Conditions No. 20 (no outside promoters); 23 (all licenses, permits and conditions posted); 25 (no public restrictions for entry); 7 (outdoor patio shall be closed after 10:00pm).

8/1/15 – One security guard arrested for grand theft auto by LAPD Gang Enforcement Detail. Same individual arrested again in August.

8/14/15 – LAPD undercover operation; site sublet to outside promoter "My Castle"; violations of CUB Condition No(s), 9 (patrons shall be 21 or older after 10:00 pm with visible hand stamping); 18 (full operating kitchen and menu); 20 (no outside promoters).

9/12/15 – LAPD undercover operation; Building and Safety present for inspection investigation; site sublet to outside promoter "My Castle", violation of CUB Condition No(s), 7 (outdoor patio shall be closed after 10:00pm); 8 (maintain a minimum of 371 seats for indoor dining at all hours); 9 (patrons shall be 21 or older after 10:00pm with visible hand stamping); 11 (No beverage of any kind on dance floor); 19 (primary business of establishment is the sale of food); 20 (no outside promoters); 21 (dancing shall be restricted to dance floor, no objects including foreign shall be placed on dance floor; no live music played on outdoor patio including speakers for amplified sound, dancing is prohibited on patio); 31 (any

music, noise or sound emitted from the premises including the patio shall not be audible beyond those premises).

9/19/15 – LAPD undercover inspection, violation of CUB Condition No(s), 7 (outdoor patio shall be closed after 10:00pm); 11 (no beverage of any kind on dance floor); 18 (full operating kitchen and menu); 19 (primary business of establishment is the sale of food); 31 (any music, noise or sound emitted from the premises including the patio shall not be audible beyond those premises).

9/24/15 – LAPD undercover inspection; outside promoter for 18 or older patrons; violation of CUB Condition No(s), 7 (outdoor patio shall be closed after 10:00pm); 8 (maintain a minimum of 371 seats for indoor dining at all hours); 9 (patrons shall be 21 or older after 10:00pm with visible hand stamping); 18 (full operating kitchen and menu); 19 (primary business of establishment is the sale of food); 20 (no outside promoters); 21 (dancing shall be restricted to dance floor, no objects including foreign shall be placed on dance floor; no live music played on outdoor patio including speakers for amplified sound, dancing is prohibited on patio); 31 (any music, noise or sound emitted from the premises including the patio shall not be audible beyond those premises).

9/25/15 – LAPD site visits show business closed each time.

10/9/15 – LAPD undercover operation; City Planning present for nuisance investigation, location closed with flyer posted at site directing patrons to Cosmo Club.

- Cosmo Club has same management and security staff as Cashmere; arrest made at Cosmo for serving minors alcohol.

-Site visit to Cashmere on the following Friday (10/16/15) business was closed. LAPD responded to Cosmo Club location. Promotional signs posted, patrons under 21 years present, no I.D. wristbands visible, violations similar to Cashmere.

-Criminal activities occurring on premises include; (1) Homicide on August 22, 2015 which was largely publicized. Victim was under 21 years of age in nightclub after 10:00pm; (2) Sexual assault occurred on premises on 1/13/14 involving a 20 years of age victim occurring in nightclub after 10:00pm. Victim arrived by party bus, given I.D. wristband and allowed to purchase alcohol. (3) Sexual assault occurred on premises 11/4/14, penetration with foreign object.

-In summary, the location has persisted as a community nuisance. LAPD continues to receive e-mails of disturbances and complaints of disturbances. The location poses a threat to passersby and the neighborhood.

**Los Angeles Police Department – Officer Jeff Pool**

- Problem lies with blatant disregard for the CUP, public safety, bona fide restaurant.

- Any further conditions would not be complied with as current conditions are not.
- LAPD and City Attorney are currently investigating the ownership of club.
- Subletting still occurring.

**Los Angeles Department of Building and Safety – Principal Building Inspector, John Whipple**

- 9/12/15 – LADBS participated in a joint investigation with LAPD
- Violations of CUP Conditions No(s) 2 (use and development of property shall be in substantial conformance with approved plans submitted to Zoning Administrator Case No. ZA 2012-0090-CUB-CUX)), 7(outdoor patio shall be closed after 10:00pm), 8 (maintain a minimum of 371 seats for indoor dining at all hours), 9 (patrons shall be 21 or older after 10:00pm with visible hand stamping), 11 (No beverage of any kind on dance floor), 21 (dancing area expanded/dancing prohibited on the patio
- Intentionally changed nature of operation from a restaurant to a nightclub establishment.
- Also cited for building code violations.
- Owner listed for “Top Gun Nightlife’ is Alberto Avila

**Stakeholders**

**The Jefferson – Rebecca Corey**

- 270 unit apartment community, north of site on McCadden Pl.
- Violent crimes are up, car break-ins are up.
- Thefts occur during time nightclub is operating
- Alley is a problem, noise pollution with use of outdoor patio after 10:00pm
- 20 apartment units face Cashmere and tenants are paid a \$50 concession monthly as a result of noise from Cashmere.
- Apartment Community now doubles its security patrol during operational hours of the Cashmere.

**NAI Capital - Marty Shelton**

- Member of LA Chambers of Commerce
- Commercial broker (representing owners)
- Commend LAPD and Building & Safety on their efforts and public safety concern
- Imperative that steps are taken to deal with nightclub.

**Community Member – Brian Dyer**

- On 11/1/15 individuals can use social media (Facebook, postings, videos, and yelp) to see reviews of individuals going to club. Yelp states doors don't open until after 11:00pm; social media pretty suggestive of what's going on.

- UCI & UCLA bring party buses of people up. Entrance at back of building is used for cueing of lines.
- Cashmere Club building is environmentally not designed to keep noise inside. Building is a historical monument and predates noise, windows and glass.

#### **Office of the Thirteenth Council District – Dan Halden**

- Letter read into record from Councilmember Mitch O’Farrell dated 10/22/15 related to operations, nuisance activities, public safety concerns and recurring problems at the establishment known as Cashmere Nightclub.
- Council Deputy Dan Halden noted Cashmere Nightclub operation and operators violate public trust, create a tremendous strain on City resources, violate public safety, quality of life in Hollywood, all of which the Council Office takes seriously.
- Multiple violations of Los Angeles Municipal Code (LAMC) and Electrical Code.
- 8/22/15 a 20 year old man died on premises.
- Obtaining a CUB is a privilege and comes with responsibility
- Owner/operator show a blatant disregard for the existing conditions as new promotion for a Halloween Party is listed on social media as “Day After Mega Club”.

#### **Property Owner’s Representative – Nate Bernstein**

- Attorney and in-house council for Lessor of 6757 Hollywood Assoc. LLC and operator of property “Steve Marlton”.
- Wants to have safe properties
- Lease agreement requires lessee to follow all local laws
- Mr. Marlton (lessee) is fully cooperating with LAPD and required use of club.
- 10/15/15, good news; Hollywood Assoc., LLC and Denley Investment and Management Co. Inc. (Mr. Denley) filed an unlawful detainer and eviction against “Top Gun Nightlife, LLC” (Steve Marlton). This will be the swiftest way to abate any nuisance. Case trial is on a fast track (3-4 weeks).
- City should not take any abatement actions with court action pending. Trial date set in approximately 21 days (Case No. BC 597193).
- City should not take any drastic actions to impact the sale of alcohol on restaurant because of proposal for a hotel, blue prints are submitted.
- Neighborhood will change after Cashmere is out of picture and off property.
- This is a tourist area
- Denley in process of getting entitlements and air rights for a hotel.
- This is first notice today as to the number of arrest at this club.
- Doing everything to abate nuisance.

#### **Property Owner’s Architect – Mehdi Bolour**

- A 200-Room hotel is proposed for site (architectural drawings submitted).

- Rear of property (used by existing Cashmere Club) will be used as a kitchen to serve hotel.
- Project is supported by Council Office.

**Business Owner's Representative (Cashmere Nightclub) – Michael Kolodz**

- Attorney for owner/operator of Cashmere Nightclub
- Object to any steps towards an abatement, no evidence
- Action would be premature
- Action has not been adjudicated in a court of law, ABC violations have not been filed on.
- Any adverse ruling will be appealed by "my office".
- LAPD made conclusive and speculative statements which are "flat out lies".
- Cashmere owners are in the process of selling business and getting out of Hollywood.

**Manager (Cashmere Nightclub) – Conrad Straub**

- Club not operating last several weeks; request no action be taken; will be beneficial for new owner/operator to come in and operate without further restrictions; let normal process of sale take place; need to sell without any restrictive actions of City.
- Acting as manager off and on for past years (response to LAPD testimony)
- Kitchen does work. There is a cook.
- Prostitution was mentioned (LAPD), however female had no connection to nightclub.
- Assault with deadly weapon was mentioned. "I have no idea of that".
- Line queuing on Hollywood Blvd. We can have ingress and egress of property. There was only one person calling Councilman every day and sending e-mails. This person no longer complains.
- First picture shown by Planning staff and in staff report of graffiti is not Cashmere property
- McCadden and Hollywood Blvd there are homeless and other problems not associated with Cashmere.
- No outside promoters. They all work for venue. We have contracts with all of them.
- Nightclub open maybe once or twice a week.
- Hot line signs are posted but you need to be on site to see them. Vagrants pull signs down. Signs get torn down every day.
- Never any arrest made at venue only tickets written.
- Poles are for artistic dancers. No nudity.
- Security officers usually go from one venue to another, this is common.
- Permits were posted on walls but were pulled down off walls to clean.
- After 2am all patrons are gone, only few staff members are left.
- Have made many steps to correct operation
- Trying to make back or break even on investment
- Nightclub on market for sale, has a buyer but waiting on Planning outcome.

## REBUTTAL

### Los Angeles Police Department - Officer Jeff Pool

- When a ticket issued by LAPD, technically individual is under arrest but not taken to jail.
- Accusing LAPD of perjury
- LAPD did say McCadden and Hollywood is business owners' responsibility.
- Person who no longer complains to Council office is compensated by Cashmere.

### Summary Comments (Zoning Administrator) – Jack Chiang

After all public comments, the Zoning Administrator stated that based on the evidence presented and testimony heard, clearly there are numerous flagrant CUP violations (Case No. ZA 2012-0090-CUB-CUX-1A). Based on a review of the case file, no covenant and agreement of the determination was recorded and submitted to the file. This is the most basic and easiest condition to comply with and the applicant selected to ignore. There were also operational violations where the applicant changed the mode and character of the establishment from a restaurant to a club, sublet the premises to numerous club promoters for party events. Loud noise and nuisance associated with excess drinking have adversely affected the nearby residents. Criminal activities were also documented by the Police Department as the restaurant was operated as a strip bar with female dancers soliciting male customers for prostitution, one of the dancers arrested for prostitution was under the age of 21. Condition No. 9 specifically imposed that no person of under 21 years of age shall remain in the premises after 10 p.m. The most serious offense included the lack of security on the premises which led to the death of an employee by a gunshot which resulted from a fire arm slipped through at the entrance check, and the sales of full-line alcoholic beverages to patrons under the ages of 21 in numerous occasions. The alcoholic beverage sales not only violated City's conditional use, but it also violated State ABC regulations. The Zoning Administrator agreed with the Police Department that the applicant showed a blatant disregard of the conditional use conditions.

#### Basic condition compliance:

Condition No. 48 (recorded Covenant and Agreement) not in file;

Condition No. 45 (detailed security plan) not in file;

Condition No. 37 (evidence of STAR Training) not in file;

#### Basic operational conditions not in compliance with:

Condition No. 2 (use and development of property shall be in substantial conformance with the plot plan submitted and marked Exhibit "A")

Condition No. 7 (outdoor patio shall be closed after 10:00 p.m.)

Condition No. 8 (maintain a minimum of 371 seats for indoor dining at all hours)

Condition No. 23 (posting of license)

Condition No. 26 (no line queuing on Hollywood Boulevard)

Condition No. 31 (any music, noise or sound emitted from the premises including the patio shall not be audible beyond those premises)

Condition No. 32 (establishment shall make effort to control unnecessary noise associated with the operation)

Condition No. 35 (provide a 24-hour "hot line" with number posted at all entries and cashier)

Condition No. 42 (Remain quiet when leaving sign)

Serious operational condition violations:

Clearly this is a club operation not restaurant. On 8/14/15, 9/12/15, 9/24/15 documentation of Cashmere hosting 18 and up or college night events; age restriction not carefully monitored. Multiple violations on;

Condition No. 9 (no under age of 21 patrons after 10 p.m.)

Condition No. 11 (no beverage of any kind on dance floor)

Condition No. 18 (full operating kitchen and menu)

Condition No. 19 (primary business of establishment is the sale of food)

Condition No. 20 (no outside promoters)

Condition No. 21 (dancing shall be restricted to dance floor, no objects including foreign shall be placed on dance floor; no live music played on outdoor patio including speakers for amplified sound, dancing is prohibited on patio)

Condition No. 22 (obtain necessary live music, entertainment and dance permits from LAPD)

Condition No. 43 (electronic age verification device)

At the end of the public hearing, the record on the matter was maintained open until November 22, 2015 to allow the Property Owner's representative to submit eviction paperwork as stated, further documentation from Council Office and for any other interested party to submit additional information.

There was no information or other correspondence submitted by the operator or his legal representative subsequent to the public hearing.

**WRITTEN COMMUNICATION RECEIVED SUBSEQUENT TO PUBLIC HEARING**

**October 6, 2015** – Received Los Angeles Department of Building and Safety Inspection Report dated October 6, 2015, indicates on September 12, 2015 at 1:30 AM Chief Inspector Frank Laura, Principal Inspector John Whipple and Inspector Oscar Salgado with support of LAPD Vice Hollywood Division conducted a joint inspection in response to a complaint of violations of CUP permit No. ZA 2012-0090-CUB-CUX. Multiple violations were found including Condition No(s). 2 (use and development of property shall be in substantial conformance with the plot plan submitted and marked Exhibit "A"), 7 (outdoor patio shall be closed after 10:00 pm), 8 (maintain a minimum of 371 seats for indoor dining at all hours), 9 (patrons shall be 21 or older after 10:00pm with visible hand stamping), 11 (no beverage of any kind on dance floor) and 21(dancing shall be restricted to dance floor, no objects including foreign shall be placed on dance floor; no live music played on outdoor patio including speakers for amplified sound, dancing is prohibited on patio). In additions, violations of the Building Code were also found.

**October 19, 2015** – Received copy of Los Angeles Department of Building and Safety Order to Comply and Notice of Fee issued to Operator Michael Daniel Kolodzi c/o Top Gun Night Life Inc. on October 8, 2015 listing multiple building violations of the Los Angeles Municipal Code.

**October 23, 2015** – E-mail from Detective Dana Harris submitting copy of letter dated October 20, 2015 with 35 suggested conditions to mitigate the nuisance associated with the operation of Cashmere Nightclub should the use not be revoked as requested.

**November 5, 2015** – E-mail from Officer Benjamin Thompson. Additional photos of Cashmere kitchen.

**November 18, 2015** – E-mail from Officer Benjamin Thompson with attached arrest reports regarding an October 31, 2015 at 10:30 p.m. undercover operation of an advertised event promotion the “Haunted Castle” on Halloween Night and referenced at the public hearing. Police arrest reports and Condition violations indicate the following: Arrest of business manager for violation of CUP Conditions No(s) 7 (outdoor patio shall be closed after 10:00 p.m.),8 (maintain a minimum of 371 seats for indoor dining at all hours),9 (patrons shall be 21 or older after 10:00pm with visible hand stamping), 11 (no beverage of any kind on dance floor), 18 ((full operating kitchen and menu),19 (primary business of establishment is the sale of food),20 (no outside promoters) and 21(dancing shall be restricted to dance floor, no objects including foreign shall be placed on dance floor; no live music played on outdoor patio including speakers for amplified sound, dancing is prohibited on patio). Operations manager also found in violation and arrested for dispensing alcoholic beverages from adulterated/poisonous alcoholic beverage bottles.

**REVIEW OF COMPLIANCE WITH CONDITIONS OF CASE NO. ZA 2012-0090(CUB)(CUX)-1A EFFECTIVE JULY 9, 2013 AS RELATED TO A NUISANCE ABATEMENT POSSIBLE REVOCATION ACTION PER LOS ANGELES MUNICIPAL CODE SECTION 12.27.1**

The business conducted at the site has generated numerous community complaints and has required consistent police enforcement, as evidenced by submissions from the Los Angeles Police Department. As the operation may currently jeopardize and adversely affect the public health, peace, and safety of persons residing or working on the premises and in the surrounding area, the City has responded with a public hearing for possible imposition of conditions to abate nuisance or to revoke said use.

The nuisance investigation includes an assessment of condition compliance with respect to the terms and conditions of the Zoning Administrator’s determination, Case No. ZA 2012-0090(CUB)(CUX) and ZA 2012-0090(CUB)(CUX)-1A. Staff conducted a field analysis as part of the nuisance investigation on October 9, 2015 between 10:15 p.m. and 11:30 p.m., accompanied by two Los Angeles Police Department officers. At the time of the investigation, the nightclub was closed to the public. A flier posted on the McCadden Place gated entry to the subject site indicated that the usual Friday promotion through “My Castel” had relocated to The Attic Nightclub at 1643 Cosmo Street.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

Investigator Response: No comment.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

Investigator Response: As a city-initiated case, no plot plan was submitted.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property

Investigator Response: No comment.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Investigator Response: There were two areas of graffiti on the subject site. One was located on a "Private Property" sign facing the alley. The other was located on the metal roll-down gate of the vacant bakery and convenience store on the ground floor of the subject site.

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issue.

Investigator Response: No comment.

6. Indemnification. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Investigator Response: The City of Los Angeles mailed the owner a Notice of Public Hearing for DIR 2015-3461(RV) on September 22, 2015.

7. Approved herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, live music and patron dancing in conjunction with an 8,925 square-foot restaurant/nightclub with seating for 371 patrons indoors and 56 patrons outdoors. The sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. to 2:00 a.m., seven days a week. There shall be no after hour operations between the hours of 2:00 a.m. and 9:00 a.m., including but not limited to private events and promotional events with the exception of maintenance activities. The outdoor patio shall be closed for dining after 10:00 p.m. and may only be used for ingress and egress after 10:00 p.m.

Investigator Response: The business was not open at the time of site visit.

8. The operator shall maintain a minimum of 371 seats available for indoor patron dining at all hours of operation.

Investigator Response: The business was not open at the time of site visit.

9. Patrons in the restaurant/nightclub after 10:00 p.m. shall be aged 21 or older. Patrons age 21 or older shall receive a hand stamp after 8:00 p.m. to enter the location for the purpose of identification for nightclub activity. The nightclub shall have a visible sign at the entry during business hours to notify all patrons of the age 21 or older restriction. Prior to 10:00 p.m., there shall be two public announcements, 15 minutes apart to notify patrons inside the premises of the age restriction after 10:00 p.m. The nightclub operator shall be responsible for compliance and enforcement of the age restriction to the nightclub. All patrons inside the restaurant/nightclub shall possess a visible and unique style of hand stamping to assure proper identification.

Investigator Response: The business was not open at the time of site visit.

10. The nightclub operation on the site may require an admission or cover charge after 10:00 p.m.

Investigator Response: The business was not open at the time of site visit.

11. No beverages of any kind shall be allowed on the designated dance floor.

Investigator Response: The business was not open at the time of site visit.

12. Off-street parking spaces for employees and patrons shall be provided as to number and location as required pursuant to the Los Angeles Municipal Code (LAMC) and determined by the Department of Building and Safety. A minimum of 200 parking spaces shall be provided at a location within 750 feet of the restaurant/nightclub. Said parking shall be for the exclusive use of the restaurant/nightclub and may be secured by lease agreement in lieu of the required covenant. Said lease agreement shall be for a time period to coincide with the length of the entitlement term granted herein, or longer. Said lease agreement shall

indicate the number of parking spaces controlled by the parking service, how many spaces are leased to other parties and who those other parties are. The operator shall prepare a map showing the location of all the leased parking spaces. Documentation of any and all pertinent lease agreement and related maps shall be submitted to the Zoning Administrator for review and attachment to the case file.

Investigator Response: The business was not open at the time of site visit. As a city-initiated case, no lease agreement was submitted.

13. Parking valet service shall be required for parking of patrons to any parking area that is off-site and within 750 feet of the subject property. Staging areas for drop-off and pick-up of patron vehicles shall be located off any public street, except as may be determined otherwise by the Department of Transportation.

Investigator Response: The business was not open at the time of site visit.

14. Employees of the restaurant/nightclub may not park on any public street at any time. Employees shall be required to either commute via public transportation or park in the off-street parking spaces secured by lease agreement.

Investigator Response: The business was not open at the time of site visit.

15. This grant shall have a life of 5 years after which the applicant shall file for and win an authorization from the Office of Zoning Administration in order to continue the sale of a full line of alcoholic beverages for on-site consumption.

Investigator Response: No comment.

16. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

Investigator Response: No comment.

17. Any future operator(s) of the facility shall file a new Plan Approval Application to allow the City of Los Angeles to review the "mode and character" of the operation. If at any time during the period of the grant should the operator(s) require modification of the grant or the conditions of the grant, the operator(s) shall also file for a Plan Approval together with the associated fees.

Investigator Response: No comment.

18. The premises shall be maintained as a bona fide restaurant with a full operating kitchen and shall provide a menu containing an assortment of foods normally offered in restaurants. Kitchen and food service shall be made available at all times during normal operating hours.

Investigator Response: The business was not open at the time of site visit.

19. The licensee shall inform the customers that the primary business of the establishment is the sale of food, which shall include but not be limited to providing each customer with a menu, posting of signs on the premises and advertising food services.

Investigator Response: The business was not open at the time of site visit.

20. The operator shall not sublet the premises to outside "promoters" for nightclub activity.

Investigator Response: The flier posted on the McCadden Place entry to the subject site indicated that there had been a regular Friday promotion through "My Castel Fridays" that had recently relocated.

21. Public or patron dancing shall be restricted to the dance floor designated on the plot plan labeled as Exhibit A. There shall be no objects placed on the dance floor such as balloons, foam or other foreign objects. No live music shall be played on the outdoor patio and no speakers playing amplified live or recorded music shall be placed on the patio. Dancing is prohibited on the patio.

Investigator Response: The business was not open at the time of site visit.

22. Prior to the utilization of the provisions of this grant which allow live music, entertainment and a dance hall, the operator shall obtain any necessary permits from the Los Angeles Police Commission, and no temporary live entertainment permits shall be applied for pending the formal police permit decision. The revocation of that permit by the Los Angeles Police Commission may be grounds for the revocation of the Conditional Use Permit for dancing.

Investigator Response: The business was not open at the time of site visit.

23. All licenses, permits and conditions shall be posted in a conspicuous location at the subject establishment. Additionally a copy shall be provided to all employees who shall sign an acknowledgement form stating that they have read and understood all of the ABC, Police Commission and Conditional Use Permit conditions. Said form shall be maintained at the location by the operator/manager who shall present it to Police personnel, ABC investigators or the Department of City Planning staff upon request.

Investigator Response: The business was not open at the time of site visit.

24. With the exception of the existing patio, no activities shall be permitted on the roof of the building.

Investigator Response: The business was not open at the time of site visit.

25. There shall be no public restrictions for entry into the location including any VIP list and individual picking of patrons waiting to enter the location.

Investigator Response: The business was not open at the time of site visit.

26. There shall be no line queuing on Hollywood Boulevard. Security staff of the restaurant/nightclub shall maintain order and control any loud talking or noise in any queue which occurs at the northerly entrance adjacent to residential uses.

Investigator Response: The business was not open at the time of site visit.

27. There shall be no pay phone on the exterior of the building.

Investigator Response: There were no payphones visible on the exterior of the building.

28. There shall be no adult entertainment of any type as defined by Section 12.70 of the Los Angeles Municipal Code.

Investigator Response: The business was not open at the time of site visit.

29. There shall be no pool tables, coin-operated games, or video game machines permitted on the premises at any time.

Investigator Response: The business was not open at the time of site visit.

30. The operator shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control including the alley adjacent to the site.

Investigator Response: The area adjacent to the premises appeared to be generally clean and free of litter.

31. Any music, sound or noise, including amplified or acoustic music or patrons speaking on the patio, emitted from the premises under the control of the operator shall not be audible beyond those premises. Any such sounds emitted shall not violate Section 116.1 of the Los Angeles Municipal Code.

Investigator Response: The business was not open at the time of site visit.

32. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.

Investigator Response: The business was not open at the time of site visit.

33. There shall be no enclosed customer booths. If booths exist and are separated by a partition, said partition shall be no higher than 54 inches and shall be completely open on at least one side.

Investigator Response: The business was not open at the time of site visit.

34. A sign shall be posted at the restaurant entrance, where it is clearly visible asking patrons not to park on the adjacent residential streets.

Investigator Response: No signs were visible at the entrances that informed patrons not to park on adjacent residential streets.

35. The operator(s) shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject establishment. Prior to the utilization of this grant, the phone number shall be posted on the site so that it is readily visible to any interested party. The "hot line" shall be:

- Posted at all entries and the cashier;
- Responded to within 24-hours of any complaints/inquiries received; and Documented in a log and made available for review by the Los Angeles Police Department and the Department of City Planning upon request. At a minimum, the log shall record when the calls were received, returned and action taken.

Investigator Response: No signs were visible on the exterior of the site that informed the public of a 24-hour hotline.

36. A free "Designated Driver Program" shall be implemented in which free non-alcoholic beverages such as coffee, tea or soft drinks will be offered to the designated driver of a group. The availability of this program shall be made known to restaurant patrons either via a two-sided card placed on all tables and bars or on a program description printed on the menu.

Investigator Response: The business was not open at the time of site visit.

37. Within six months of the effective date of this determination and within 6 months of their date of hire, all personnel acting in the capacity of a manager, bartender, and/or server on the premises shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. The operator shall contact the Hollywood Vice Unit of the Los Angeles Police Department and make arrangements for such training. Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The operator shall transmit a copy of the letter from the Police Department to the Zoning Administrator as

evidence of compliance. All employees who are listed above shall attend follow-up STAR classes every 24 months.

Investigator Response: No information regarding STAR training at the subject site had been received by the Planning Department at the time of staff report preparation.

38. The operator(s) shall maintain on the premises and present upon request to any law enforcement officer, a copy of the business permit, insurance information and a valid emergency contact number for the Security and Valet companies used by the operator.

Investigator Response: The business was not open at the time of site visit.

39. There shall be no Valet service(s) (pick-up or drop-off) on Hollywood Boulevard. The valet stand shall be on McCadden Place opposite commercial buildings. In no case may the valet stand be placed adjacent to residential uses.

Investigator Response: The business was not open at the time of site visit.

40. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Los Angeles Police Department or the Department of City Planning Staff.

Investigator Response: The business was not open at the time of site visit.

41. Loitering is prohibited on or around these premises or the area under control of the applicant.

Investigator Response: No loitering was observed on or around the premises at the time of site visit.

42. The applicant shall post a sign requiring all patrons to remain quiet when leaving the restaurant/bar at night. The applicant shall actively enforce these noise provisions.

Investigator Response: No signs were visible on the exterior of the site that informed patrons to remain quiet when leaving the premises.

43. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. This device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale any alcoholic beverage.

Investigator Response: The business was not open at the time of site visit.

44. Petitioners shall install and maintain security cameras and a three-month video library that covers all common areas of the business, high-risk areas and entrances of exits. The videotapes shall be made available to police upon request.

Investigator Response: As the business was not open at the time of site visit, it was not possible to ascertain whether security cameras cover all common areas of the business, high risk areas, entrances, and exits.

45. Between the hours of 9:00 p.m. and 2:30 a.m., the operator shall provide a minimum of 3 State licensed security officers. Within 45 days of the effective date of this grant, the applicant shall submit to the Zoning Administrator for inclusion in the file a detailed security plan for the project which shall be prepared in consultation with and signed by the Los Angeles Police Department addressing security measures for the protection of patrons, employees and nearby residents. One security officer shall be located inside the premises, one security officer shall be located in the parking area and one additional security officer shall be required for every 75 patrons above the first 150 patrons. All security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel. The plan shall detail the installation of a surveillance system, parking lot patrols and security lighting.

Investigator Response: The business was not open at the time of site visit.

46. Advice. The applicant is advised that the subject permit is a land use permit, not a license for the sale of alcohol. The conditions and requirements of the permit apply to the subject facility. The conditions shall be complied with in addition to any conditions or requirements imposed by the Department of Alcoholic Beverage Control, Los Angeles Police Department, or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change of conditions or change in the mode or character of the authorized use requires approval of the Zoning Administrator.

Investigator Response: No comment.

47. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

Investigator Response: No comment.

48. Prior to issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number

and date shall be provided to the Department of City Planning for attachment to the subject case file.

Investigator Response: At the time of staff report preparation, it was not clear whether a covenant had been filed.

49. The applicant may apply for a Plan Approval after one (1) year to consider extending the closing time for the patio from 10:00 p.m. to 2:00 a.m., daily. In order to support the request, the applicant shall conduct a noise study to determine the effects of operation of the patio until 2:00 a.m. on the adjacent residences to the north of the adjacent alley. Any noise mitigation identified by the study shall be enforced on any approved expansion of the operating hours.

Investigator Response: At the time of staff report preparation, a Plan Approval had not been filed seeking to extend the closing time for the patio.

### AUTHORITY

On October 27, 1997, under Ordinance No. 171,740, Section 12.21-A, 15 was repealed and superseded by Section 12.27.1 which continued the established procedures for the modification, discontinuance or removal of a use, building or structure that constitutes a public nuisance or endangers the public health or safety or violates any provision of City, State or Federal statutes or ordinance.

### FINDINGS

As presented in the information documented herein through correspondence and public testimony by affected parties, it is determined that the operation of the nightclub know as Cashmere Nightclub (also known as The Day After Nightclub), has created nuisance impacts at the site. The Zoning Administrator, on behalf of the Director, finds that the business as operated:

1. **Jeopardizes or adversely affects the health, peace or safety of persons working or residing in the surrounding area.**

The record, including arrest reports, correspondence and testimony at the public hearing, indicates that there have been continuous documented, repeated violations of the conditions imposed by the Office of Zoning Administration and the City Council under ZA 2012-0090(CUB)(CUX)-1A. Numerous investigations by the Police Department have provided a record of activities which have taken place at the site after the approval of a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, with entertainment and patron dancing in conjunction with an existing restaurant/nightclub with a prohibition against the use of outdoor patio after 10:00 pm. This constitutes violations of conditions imposed by the latest City action as well as violations of State provisions related to the alcohol license. The use has continued to impact the surrounding area

and has resulted in the continuation of nuisance activities that affect residents and that have placed a heavy demand on limited Police resources.

There has been an absence of diligent and a blatant disregard regarding the effective monitoring of activities and compliance with conditions. The operators have consistently shown a disregard for adherence to the most critical conditions. This includes ongoing noncompliance with the operating hours of the outdoor patio to close for dining after 10:00 p.m. and only used for ingress and egress as conditioned by Case No ZA 2012-0090(CUB)(CUX)-1A. This causes additional noise impacts on surrounding uses including a 270-unit residential apartment complex, north easterly of subject site. Noise impacts have been documented by LAPD and adjacent neighbor calls for service complaints as these relate to conditions associated with the use of speakers playing amplified or recorded music audible beyond the premises, dancing on the patio at all times including after the 10:00 p.m. closing time for dining and loud conversations on rooftop patio area after the 10:00 p.m. closing time. Additional noise impacts are associated with lack of maintaining order and control of any loud talking or noise with the queuing of lines which occurs at the northerly entrance adjacent to residential uses, therefore in violation of Condition No. 26 of said Zoning Administrator's determination.

Security has not been provided as required, which if effectively conducted could have been purposed to mitigate impacts on the community and provide safety for those working on the premises and residing in the surrounding area. Such conduct places the public in danger and deprives residents and other community members of their rightful ability to enjoy their neighborhood.

At the most recent hearing, Police officers testified as to the impacts as further attested by arrest reports and investigations. The absence of any aggressive and responsible management has resulted in the August 22, 2015 homicide of a 20-year old male patron believed to be an off-duty DJ employed by the establishment. This establishment demands the continuing response for Police activity and investigations. A review of the arrests and investigations demonstrates that there has not been any significant improvement since the original documented LAPD arrest report on October 12, 2012. In fact, the operational activities have deteriorated. Police resources have been consumed by investigations and monitoring of the location. From a period of time between January 17, 2014 and September 24, 2015 there were 9 arrest and investigative reports for the property, which include assault with a deadly weapon, great bodily injury, fights, soliciting prostitution, under-age drinking, lack of required security guards on-site, and multiple violations of the Conditional Use Permit (CUP) and Alcoholic Beverage Control (ABC) violations. The time period of October 4, 2012 and September 12, 2015 there were 19 arrest charges for the property including prostitution, urinating or defecating in public, disorderly conduct, serving adulterated/poisonous alcoholic beverages, public assemblages/obstructing entrance. November 25, 2012 and September 12, 2015 there were 17 crime charges for the property which included, rape, assault with weapon/strong-arm, aggravated assault, non-aggravated assault, theft and vandalism to vehicle. There were 24 calls for service for the property from the period of November 25, 2012 and August 30, 2015, which included, assault with

deadly weapon/possession, battery, theft and group fight. The following documented reports of crimes and investigations occurring off-site and connected to the subject site location at Hollywood Boulevard and McCadden Place or McCadden Place and Hollywood Boulevard. There were 237 arrest charges for the off-site location between October 3, 2012 and September 5, 2015 which include, aggravated assault, drunkenness, intoxication, disorderly conduct, driving under the influence, prostitution/allied. A total of 102 crime charges for the off-site location between September 20, 2012 and September 8, 2015, which include, rape/non-aggravated assault, sex underage, robbery knifepoint, aggravated assault, hit with weapon, fist fight, group disturbance, resisting arrest, robbery and grand theft auto/received stolen goods. There were 14 calls for service for the period March 30, 2013 and August 27, 2015. Calls mostly included traffic stop violations.

Condition No. 45 of the CUP requires the operator to submit a detailed security plan prepared in consultation and signed by LAPD addressing the security measures for the protection of patrons, employees and nearby residents. The plan requires a minimum of three State licensed security officers. One security officer shall be located inside the premises, one shall be located in the parking area and one additional officer shall be required for every 75 patrons above 150 patrons. Police reports and testimony cite location "crowded with patrons".

Condition No. 20 of the CUP prohibits the operator to sublet the premises to outside promoters for nightclub activities. Joint operation and site inspection conducted on October 9, 2015 by LAPD and Planning, location was not open for business however, staff documented evidence of flyers posted to property of a "usual Friday" promotion through My Castel Fridays had relocated (from Cashmere Nightclub) to The Attic Nightclub at 1643 Cosmo Street. Document special event promotion via social media YELP advertise "The Haunted Castle Halloween" event on October 31, 2015 from 9:00 pm -2:00 am PST. During the public testimony, nightclub manager for Cashmere stated there are no outside promoters. All employee work for the venue and are under contract. However, no employment records were produced at the hearing or subsequent to the public hearing to substantiate the claim.

Condition No. 35 of the CUP requires the operator to provide a visible posting on-site of a 24-hour "hot-line" telephone number for any inquiries or complaints from the community and a documented log for review by LAPD. Planning staff site inspection on October 9, 2015 notes, no signs were visible on the exterior of the site informing the public of a 24-hour "hot-line". This blatant disregard to comply with basic operational conditions is consistent with LAPD reports of business owner/operator failure to visibly post required permits for ABC license and Police Commission permits inside establishment.

Dancing continues to be conducted in areas outside of restricted dance floor area including prohibited patio area despite conditions prohibiting it per Case No ZA 2012-0090(CUB)(CUX)-1A. Drinking continues to occur both on and off the designated dance floor area.

The advertisement of under-age party events (i.e., 18+ and college nights) through social media has also been a regular activity associated with the nightclub operation, which continues with the evident full cooperation of the operator, despite conditions prohibiting such activities and regular enforcement by LAPD (Arrest Reports, Investigation Reports, CUP violations) and Department of Building and Safety (Order to Comply, Inspection Report), disregard for established operational conditions have been ongoing for years without any evidence that the operator has taken measures to correct violations and comply with any other City or State (Alcoholic Beverage Control) ordinance.

Based upon this volume of record and testimony, the operation of the nightclub and its alcohol sales continues to adversely affect the public health, peace and safety of persons residing and working in the surrounding area.

**2. Constitutes a public nuisance**

Members of the Los Angeles Police Department as well as the Office of the Thirteenth Council District have indicated that the use has generated a need for continued investigations which is a drain particularly on the Police Department's resources. The substantial allocation of resources to this one location impacts the ability of the Police Department to effectively allocate the remaining available resources to the rest of the community. The representative of the Council district also indicated that the Office has received complaints regarding the use.

There are spillover impacts which affect the neighborhood at large. The nightclub's lack of oversight has contributed directly and indirectly to the nuisance impacts in the vicinity. The consistent violations of: insufficient number of required State licensed security officers.; patrons under age 21 in the restaurant/nightclub after 10:00 p.m.; no hand stamp or visible identifying mark or wristband of patrons 21 years or older in the restaurant/nightclub entering after 8:00 p.m.; dining on outdoor patio after 10:00 p.m.; dancing on the patio; music with amplified sound on outdoor patio; sublet of premises to outside promoters for nightclub activities; maintaining a minimum of 371 seats for indoor dining at all hours; expansion of dance floor area not consistent with plot plan submitted to Zoning Administrator and labeled "Exhibit A"; dance poles attached to dance floor thereby offering patrons adult entertainment; beverages allowed on designated dance floor area; security staff not maintaining order and control of loud talking or noise in queue occurring at the northerly entrance of nightclub adjacent to residential uses; premises not maintained as a bona fide restaurant with a full operating kitchen and menu; licensee does not inform customers or advertise the primary business of the establishment is the sale of food.

As documented evidence on many occasions the Police have observed the absence of required number of security officers, which limits effectiveness in deterring nuisance activities, assuming that the security officers would be proactive. No effort has been made to curb impacts by the business and the property owner. No attempts to show compliance or acknowledge existing operating conditions by

submitting the required recorded consent and agreement as conditioned by Case No. ZA 2012-0090(CUB)(CUX)-1A and effective on July 9, 2013.

The establishment continues to be a public nuisance with no indication that its operators, who have had so many opportunities, would in good faith be able to manage the restaurant/nightclub in a manner that complies with all previously-imposed conditions of operation.

**3. Has resulted in repeated nuisance activities.**

The Police investigations have revealed ongoing violations of the conditions imposed by the City (ZA 2012-90-CUB-CUX-1A), including non-compliance associated with; minimum number of State licensed security officers on-site, patrons in the restaurant/nightclub after 10:00 p.m. shall be aged 21 and older; patrons aged 21 and older entering the restaurant/nightclub after 8:00 p.m. shall receive a hand stamp for purpose of identification for nightclub activity, noise impacts, expansion of designated dance floor area including dancing on patio which is prohibited, use of outdoor patio after 10:00 p.m., use of outside promoters for nightclub activity, business operating as a nightclub not providing a menu posting or advertising food service; pole dancing for purpose of providing adult entertainment, no evidence of operator or employees receiving STAR training; no effort made by establishment to control any unnecessary noise made by restaurant staff, contracted employees, equipment of the restaurant or noise associated with the operation.

No evident attempt by the property owner, operator and employees has been made to abide by all the operating conditions set forth in Zoning Administrator's determination and Central Area Planning Commission action, Case No. ZA 2012-0090(CUB)(CUX)-1A, despite repeated warnings, visits and arrests made by the Police. The weight of the evidence, both written and oral, as well as the number of arrests and calls for service, clearly demonstrates the ongoing nuisance activities of the location and a lack of action by the operator and property owner to discourage nuisance activity. The operator has not conducted the business in a manner which is responsive to the imposed conditions and has shown no attempt at a genuine committed effort to improve the operation of the restaurant/nightclub.

**4. Violates any provision of this chapter, or any other city, state or federal regulations, ordinance or statute**

The record includes a detailed account of Police investigations and arrests as well as the repeated documented violations of conditions imposed by the City and the State Alcoholic Beverage Control. Condition No. 9 imposed that all patrons in the premises shall be at least 21 years of age after 10 p.m. Police record showed that on at least three occasions that the operator sublet the premises to club promoters for college nights or 18 years and over events on August 14, 2015, September 12, 2015, and September 24, 2015. City and State regulations prohibit the sales and dispensing of alcoholic beverages to minors and person under 21, and City's conditional use regulates even further by barring patrons of under 21 of age

entering the premises after 10 p.m. These regulations and conditions are all in place to prohibit the alcohol consumption of minors. The operator has however disregarded the State law, ignored City's conditional use and provided the access of alcohol to minors and intoxicated them. Further, the intent of Condition No 9 is to protect the all minors, therefore, no one of an age under 21 shall be on the premises after 10 p.m. The operator consistently employed minors working after 10 p.m. Police record also shows that a dancer with an age of 20 working at the premises when it was a strip club resulted in an arrest on a prostitution charge, and a DJ with an age of 20 working at the premises was shot by a fire arm. The operator has exhibited a disregard to the State and City laws and failed to protect minors.

The Department of Building and Safety with the support of LAPD Vice Hollywood Division conducted an inspection of premises on September 12, 2015 and issued an Order to Comply and Notice of Fee for documented violations of Conditional Use Permit (CUP) No. ZA 2012-90-CUB-CUX-1A to include Conditions No(s). 2 (use and development of property shall be in substantial conformance with the plot plan submitted and marked Exhibit "A"), 7 (outdoor patio shall be closed after 10:00 p.m.), 8 (maintain a minimum of 371 seats for indoor dining at all hours), 9 (patrons shall be 21 or older after 10:00 p.m. with visible hand stamping), 11 (No beverage of any kind on dance floor), 21 (dancing shall be restricted to dance floor, no objects including foreign shall be placed on dance floor; no live music played on outdoor patio including speakers for amplified sound, dancing is prohibited on patio).

On July 24, 2014, the current establishment was issued an Alcohol Beverage License Type 47 for on-sale general eating place which requires the premises be maintained as a bona fide restaurant and provide a menu with an assortment of foods normally offered in restaurants. The business operator has proven to regularly conduct the operation and activities associated with the site as a nightclub operation which requires a Type 48 License issued by Alcoholic Beverage Control.

Additional violations of the Los Angeles Municipal Code included, unapproved construction of an approximately 66-foot long metal frame awning on exterior deck of building, electrical work done without the required permits and approval, unapproved wall structures attached to hand rails in patio and exit area, maintenance and repair of existing building including replacing missing electrical covers in ceiling, repair ice maker and provide protection from exposed live parts and remove or repair platform for ice maker that has rotted or become damaged.

Documented evidence and investigations of multiple City Departments suggests that there is cause for revocation of the restaurant/nightclub use including suspension or revocation of the alcohol license and alleges that the continuance of the license would be contrary to public welfare and/or morals. Police arrest and investigative reports cite multiple violations of the CUB operating conditions occurring between July 3, 2015 and September 24, 2015 with the homicide of an underage off-duty employee occurring after 10:00 p.m. on the premises on August 21, 2015.

5. **Prior governmental efforts to cause the owner or operator to eliminate the problems associated with the use or discretionary zoning approval have failed (examples include formal action, such as arrest and citations, by the Police Department, Order to Comply Notice by Department of Building and Safety, the Director, Zoning Administrator or City Planning Commission, or any other governmental agency)**

The City has conducted at least two public hearings, including the initial approval of a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, with live entertainment and patron dancing in conjunction with an existing restaurant with prohibition against the use of outdoor patio after 10:00 p.m. The decision resulted in the imposition of a number of conditions. Said case was appealed to the Central Area Planning Commission by the property owner (same as current property owner/operator) requesting in summary modification of Condition Nos. 7, 26 and 39 to allow for increased seating for patrons from 371 to 499, outdoor use of patio after 10:00pm, primary entrance to site be located on Hollywood Boulevard and to locate valet service for drop-off and pic-up on Hollywood Boulevard. The appeal was denied by the Area Planning Commission.

Prior governmental efforts to cause the owner or operator to eliminate the nuisance problems associated with the use and exhibit condition compliance have failed as documented by the excessive number of arrest reports and calls for service by the Los Angeles Police Department.

The current business operator and his legal representative attended the most recent hearing. No other constructive measures were proposed by the operator or property owner. All parties were given an opportunity to review the file and comment subsequent to the hearing with a deadline for comments announced at the hearing. No further information was provided on behalf of the operator or property owner after the hearing.

There has been no discernible improvement of the operation, even after the repeated actions of the Police Department with respect to its investigation and arrests. There has also been no demonstrable effort to correct or address any of the violations identified. Therefore, the Zoning Administrator concludes that the business owner and the property owner have failed to comply with the most significant conditions imposed and have further violated other State regulations as these pertain to the Conditional Use Permit. There have been numerous opportunities given the owner and the operator to show that an attempt to comply was attempted with no positive results. There is no evidence indicating any substantial improvement in the operation of the restaurant/nightclub. There has also been no reduction of City resources needed to respond to or to monitor the operation including actions taken by LAPD subsequent to the Public Hearing for Nuisance Abatement/Possible Revocation held on October 22, 2015 by which an outside promoter was hired to promote "The Haunted Castel Halloween" event taking place on Saturday October 31, 2015 9:00 p.m. – 2:00 a.m. The event

resulted in the business owner/operator arrested for violations of the CUP Condition Nos. 7 (outdoor patio shall be closed after 10:00 p.m.), 8 (maintain a minimum of 371 seats for indoor dining at all hours), 9 (patrons shall be 21 or older after 10:00 p.m. with visible hand stamping), 18 (operating as a nightclub not a restaurant with a full operating kitchen and menu), 19 (primary business of establishment is the sale of food), 20 (no outside promoters), 21 (dancing shall be restricted to dance floor, no objects including foreign shall be placed on dance floor; no live music played on outdoor patio including speakers for amplified sound, dancing is prohibited on patio) and Alcoholic Beverage Control license violation for dispensing alcoholic beverages from adulterated/poisonous alcoholic beverage bottles.

6. **The owner or operator has failed to demonstrate to the satisfaction of the Director, the willingness or ability to eliminate the problems associated with the use or discretionary zoning approval.**

There has been no demonstrable effort shown by the operator or owner to comply or try to understand more thoroughly the significance of the terms and conditions of the nuisance abatement actions issued by the City. This action does not prevent the location from operating other commercial use permitted by the underlying zone. The restaurant/nightclub operation has created ongoing problems for the community and for the limited Police and City resources. The track record of compliance with conditions of existing Conditional Use Permit remains unchanged. No effort was made by the operator or the property owner to pursue compliance or insure that the most significant conditions were observed. Therefore, revocation of the restaurant/nightclub use with alcohol sales is warranted and necessary.

The Zoning Administrator hereby finds, on behalf of the Director of Planning, that the record and the repeated administrative attempts made to improve the operation of the restaurant/nightclub, with its alcohol sales, have not resulted in the elimination of the problems associated with the use. The use of the property as a restaurant/nightclub with the sale of alcohol is hereby ordered discontinued.

It is the purpose of these proceedings, under Ordinance No. 171,740, to provide a just and equitable method to be cumulative with and in addition to any other remedy available for the abatement of public nuisance activities.

It is further determined that the instant action by the Zoning Administrator is in compliance with Section 12.27.1 of the Municipal Code and has been conducted so as not to impair the constitutional right of any person. All of the procedures followed as a part of this action conform to the Municipal Code. The property owner and the operator of the premises have been provided notice of these proceedings and have been afforded the opportunity to review the file in advance of the hearing which was duly noticed and to testify at the hearing and respond to the allegations concerning the impacts of the operation of Cashmere Nightclub (also known as The Day After).

**APPEAL PERIOD - EFFECTIVE DATE**

The Zoning Administrator's determination in this matter will become effective after JANUARY 4, 2016, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Inquiries regarding this matter shall be directed to Aleta James, Planning Staff for the Office of Zoning Administration at (213) 978-1368.

MICHAEL LOGRANDE  
Director of Planning



JACK CHIANG  
Associate Zoning Administrator

JC:AJ:lmc

cc: Councilmember Mitch O'Farrell  
Thirteenth District  
Adjoining Property Owners

**CITY OF LOS ANGELES**  
 OFFICE OF THE CITY CLERK  
 200 NORTH SPRING STREET, ROOM 360  
 LOS ANGELES, CALIFORNIA 90012

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NOTICE OF EXEMPTION**  
 (California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY <b>City of Los Angeles Department of City Planning</b>	COUNCIL DISTRICT 13
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PROJECT TITLE Revocation Action	LOG REFERENCE ENV-2015-3462-CE
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PROJECT LOCATION  
6757 West Hollywood Boulevard

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:  
Mitigate nuisance activities on-site and upon adjacent properties by imposition of conditions and/or revocation of use

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:

CONTACT PERSON Tim Fargo	AREA CODE 213-978-1458	TELEPHONE NUMBER	EXT.
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EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
<input checked="" type="checkbox"/> GENERAL EXEMPTION	Sec. 15060	n/a

Class 21 Category 2 (City CEQA Guidelines)

OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)

JUSTIFICATION FOR PROJECT EXEMPTION:

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE City Planning Associate	DATE 9/30/2015
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FEE:	RECEIPT NO.	REC'D. BY	DATE
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DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record  
 Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

\_\_\_\_\_  
 NAME (PRINTED)

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 DATE